

UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

Case No. 2:23-mj-62

Shair HERNANDEZ

*Defendant(s)*

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 01/31/2023 in the county of Franklin in the  
Southern District of Ohio, the defendant(s) violated:

*Code Section*

21 U.S.C. §§ 846

*Offense Description*

Conspiracy to possess with the intent to distribute 500 grams or more of cocaine

This criminal complaint is based on these facts:  
See attached Affidavit, which is fully incorporated herein.

☒ Continued on the attached sheet.

  
Complainant's signature

William VonEssen, Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: February 1, 2023

City and state: Columbus, Ohio

  
Kimberly A. Johnson  
United States Magistrate Judge



## **AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, William VonEssen, (hereafter referred to as affiant) being duly sworn depose and state

### **INTRODUCTION**

1. I am a Special Agent with the Drug Enforcement Administration (DEA), and have been since January of 2022. As such, I am an “investigative or law enforcement officer” of the United States within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States empowered by law to conduct criminal investigations and make arrests for offenses enumerated in 18 U.S.C. § 2516. I am empowered to investigate, to make arrests with or without warrants and to execute search warrants under the authority of 21 U.S.C. § 878. I hold a Bachelor’s Degree in Aerospace from Middle Tennessee State University. I have undergone the following training:

- a. I have completed the DEA Basic Agent Training Academy, which is a 17-week course in Quantico, VA that includes (but is not limited to) training in the following areas: surveillance, undercover operations, report writing, confidential source management, drug identification, legal principles, search warrant operations, case initiation and development, interview and interrogation, defensive tactics, physical training, and firearms proficiency. I continue to receive training on a daily basis by conducting criminal drug investigations and drawing from the expertise of agents more experienced than myself.
- b. Additionally, as a DEA Special Agent, my experience includes participating in criminal arrests, conducting physical surveillance, trash seizures,

searching for evidence during court-authorized search warrants, and authoring search warrants as well as subpoenas.

2. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and law enforcement officers. This affidavit is intended to show merely that there is sufficient probable cause and does not set forth all of my knowledge about this matter.

### PROBABLE CAUSE

3. In January 2023, the DEA Columbus District Office (Columbus DO) established an investigation into telephone number (209) 225-7510. The Columbus DO received information that the user of said telephone would be receiving kilograms of cocaine. Based on the source's information, investigators applied and were granted a federal warrant to ping telephone number (209) 225-7510, by Magistrate Judge Kimberly A. Jolson out of the Southern District of Ohio.
4. On January 30 and January 31, 2023, through electronic surveillance based on the geo-location data of the cellular device, investigators noticed the cellular device was in the area of Sawmill Road and West Case Road in Columbus, Ohio.
5. On January 31, 2023, through electronic surveillance based on geo-location data of the cellular device, investigators noticed the cellular device started moving from the Sawmill Road and West Case Road area. Investigators noticed the geo-location data was now located in the area of Walmart, located at 5200 Pointe Circle Drive in Columbus, Ohio. Investigators observed a white Kia, bearing Ohio temporary license plate Q252742,

arrive and park beside a semi-truck in the parking lot of Walmart. Investigators observed two Hispanic males, later identified as Ricardo MULDONADO and Shair HERNANDEZ, exit the Kia and approach the semi-truck. The driver of the semi-truck exited his vehicle and had a brief conversation with MULDONADO and HERNANDEZ. MULDONADO retrieved a larger bag from the Kia and provided the bag to the driver of the semi-truck. Investigators noticed the bag provided to the semi-truck driver was extremely large. Then MULDONADO and HERNANDEZ walked to and entered the Walmart on foot. Investigators did not notice the lights on the Kia flash or the horn beep when MULDONADO and HERNANDEZ walked away from the vehicle, indicating Q252742 was not locked. Subsequently, investigators observed the driver of the semi-truck place the same blue bag into the rear seat of Q252742 after bringing it inside their vehicle for about a minute. The bag appeared to be extremely large and heavy. After placing the bag into Q252742, the driver entered the semi and left the area. Then MULDONADO and HERNANDEZ returned to Q252742 and left the area. During this exchange, investigators noticed the geo-location data for the cellular device was still located in the Walmart area.

6. After Q252742 departed the area, the Ohio State Highway Patrol (OSHP) conducted a traffic stop on Q252742 for a traffic infraction on I-270 in Columbus, Ohio. During the traffic stop, both occupants were detained and a drug-sniffing K-9 was deployed on Q252742. The OSHP K-9 positively alerted to the scent of narcotics coming from Q252742 and a probable cause search of Q252742 was undertaken as a result. Troopers seized what was believed to be approximately 21 kilograms of cocaine from the same large bag, which was located in the rear seat of Q252742. MULDONADO and

HERNANDEZ were arrested and transported to the Columbus DO to be interviewed and processed.

7. A post-arrest interview was conducted on MULDONADO. MULDONADO was read his Miranda Rights in Spanish by a Spanish speaking investigator and waived them. During the interview, MULDONADO stated that he knew that the purpose of the meeting at the Walmart, located at 5200 Pointe Circle Drive, Columbus, OH, 43228 was to receive cocaine, although he didn't know how much. MULDONADO stated that he knew it was cocaine because he recently overheard HERNANDEZ speaking to someone on his cellular telephone mentioning cocaine and asking how many 'cases' he was to expect. MULDONADO stated that his cellular telephone number was (209) 225-7510 and gave consent for investigators to search his cellular telephone. MULDONADO stated that he recently arrived in Columbus, via commercial airline, to oversee this narcotic transaction. Investigators attempted to interview HERNANDEZ, but upon being read his Miranda Rights in Spanish by a Spanish speaking investigator, HERNANDEZ indicated he'd like to speak to a lawyer.
8. Based upon my training, experience and my review of the evidence gathered by agents and other investigators assigned to this investigation, there is probable cause to believe Ricardo MULDONADO and Shair HERNANDEZ have violated 21 U.S.C 846, Conspiracy to Possess with Intent to Distribute 500 grams or more of Cocaine. This affidavit is in support of a request for the issuance of a Federal complaint and Arrest Warrant for MULDONADO and HERNANDEZ.



William VonEssen

Special Agent

Drug Enforcement Administration

February 1, 2023

Subscribed and sworn before me this \_\_\_\_\_ day of February, 2023.



Kimberly A. Johnson  
United States Magistrate Judge

